

EXHIBIT 53

REDACTED FOR PUBLIC FILING

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE: TERRORIST ATTACKS : 03-MDL-1570
ON SEPTEMBER 11, 2001 : (GBD) (SN)

- - -

JUNE 28, 2021
THIS TRANSCRIPT CONTAINS
CONFIDENTIAL MATERIAL

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Remote Videotaped
Deposition, taken via Zoom, of FAHAD
AL-THUMAIRY, commencing at 7:02 a.m., on
the above date, before Amanda
Maslynsky-Miller, Certified Realtime
Reporter and Notary Public in and for the
Commonwealth of Pennsylvania.

- - -

GOLKOW LITIGATION SERVICES
877.370.3377 ph | 917.591.5672 fax
deps@golkow.com

1 Q. It says, When asked who at
2 the embassy in Washington, D.C., made the
3 decision to send him to Los Angeles,
4 Thumairy said he could not recall, but
5 noted that it was the person in charge of
6 Islamic Affairs, who was new at the time.

7 Did you tell that to the
8 9/11 Commission when you were interviewed
9 in October -- I'm sorry, in February of
10 2004?

11 A. I don't remember saying this
12 statement.

13 Q. Isn't it true, sir, that you
14 told the 9/11 Commission that it was the
15 embassy in Washington that assigned you
16 to go to California?

17 MR. SHEN: Objection to
18 form.

19 THE WITNESS: No, it is not
20 true.

21 BY MR. POUNIAN:

22 Q. And when was the decision
23 made to send -- to send you to
24 California, sir?

1 A. So I remember when I was in
2 Riyadh, I'm the one who requested such.
3 But as it comes before the embassy and
4 all that, these are administrative
5 procedures. But it was my request.

6 Q. And who did you make the
7 request to?

8 A. I don't remember at this
9 moment the exact procedures.

10 But we had an administrative
11 personnel that I would communicate with
12 and that -- administrative personnel in
13 the Islamic Affairs. And he's the person
14 that I would communicate with regularly
15 regarding time of vacations and so forth.

16 I mean the office in which
17 there was a man called Al Sowaili, and he
18 was affiliated with the Ministry of
19 Islamic Affairs.

20 MR. BEETAR: Al Sowailem.

21 INTERPRETER MIKHAIL: Al
22 Sowailem. Not Al Sowaili, Al
23 Sowailem.

24 BY MR. POUNIAN:

1 Q. Are you referring to Khalid
2 Al Sowailem, sir?

3 A. Yes. Khalid Al Sowailem.

4 Q. And where was he working
5 when you communicated with him?

6 A. I don't remember where he
7 worked, but he was affiliated with the
8 Ministry of Islamic Affairs.

9 Q. You don't recall where
10 Khalid Al Sowailem worked?

11 A. I cannot say for sure. But
12 his office was at the embassy.

13 Q. The embassy in Washington,
14 D.C.?

15 A. Yes.

16 Q. And how were you introduced
17 for the first time to Khalid Al Sowailem?

18 A. I did not get introduced to
19 him before. All I know is he was the one
20 with -- administrative personnel who is
21 responsible for us.

22 Q. Well, I was asking you, sir,
23 about how it was that you came to go to
24 California and who you contacted within

1 A. I did not frequent any other
2 mosques, unless I would be going on a
3 trip or something of the sort. And I
4 would only go just to pray. At the
5 beginning, I spent all my time studying.

6 Q. How did you decide to attend
7 that particular mosque?

8 A. So when I went and checked
9 out the neighborhood and I saw the mosque
10 and I visited around, I ended up getting
11 an apartment nearby the mosque. I
12 thought it was a good area, it was near
13 the university and it worked out.

14 Q. And did you have to speak to
15 someone at that mosque to arrange to work
16 at that mosque?

17 A. No, I don't remember. It
18 was a spontaneous thing. I would go and
19 pray at that mosque. I would speak to
20 the Imam. And at times when the Imam was
21 not there, I would lead the prayers and
22 people recognized me.

23 Q. Were you the Imam at that
24 mosque, the Ibn Taymiyyah Mosque?

1 A. No. When I was studying,
2 no. At the beginning, I was not the
3 mosque's Imam.

4 Q. Well, did you become the
5 Imam of the mosque?

6 A. No, not the Ibn Taymiyyah
7 Mosque. I became the Imam of King Fahad
8 Mosque.

9 But like I mentioned, if the
10 Imam would be absent, I would lead the
11 prayer instead of him. And at times I
12 would give the lesson or the speech
13 during the Friday prayer.

14 Q. Sir, is it your testimony
15 that you were never the Imam of the Ibn
16 Taymiyyah Mosque?

17 A. If you're asking me if I was
18 an official Imam full time, no, I was
19 not. But I became an Imam when I went to
20 the King Fahad Mosque.

21 Q. So am I correct, sir, that
22 you were not an Imam at the Ibn Taymiyyah
23 Mosque?

24 MR. SHEN: Objection. Asked

1 and answered.

2 THE WITNESS: If you mean
3 with your question the official
4 Imam every day, no, I was not the
5 official Imam every day at the Ibn
6 Taymiyyah masjid or mosque.

7 BY MR. POUNIAN:

8 Q. You were an Imam at the Ibn
9 Taymiyyah Mosque?

10 A. I would lead the prayers at
11 times; if the Imam would be absent, I
12 would lead the prayer.

13 Q. Sir, my question is very
14 simple: Were you an Imam at the Ibn
15 Taymiyyah Mosque, yes or no?

16 MR. SHEN: Objection. Asked
17 and answered. He can answer the
18 question any way he likes.

19 THE WITNESS: No, I was not
20 an official Imam.

21 BY MR. POUNIAN:

22 Q. And were you working for the
23 Ministry of Islamic Affairs at the Ibn
24 Taymiyyah Mosque?

1 occasions for administrative procedures.

2 But these were the examples that came to
3 my mind.

4 Q. Sir, earlier you said
5 driver's license, didn't you?

6 A. Regarding the driver's
7 license, I don't remember where I
8 obtained it now.

9 Q. What I'm asking you, sir, is
10 didn't you tell us earlier that you went
11 to the consulate regarding your driver's
12 license?

13 A. I may have said so, but I
14 didn't necessarily mean that particular
15 thing, the driver's license.

16 Q. So did you go to the
17 consulate for your driver's license, sir?

18 A. I don't remember where I
19 obtained the driver's license. I don't
20 remember.

21 Q. My question was, sir, did
22 you go to the consulate for your driver's
23 license? Because you mentioned before
24 that you went to the consulate. That's

1 why I'm asking the question.

2 So did you go there for your
3 driver's license?

4 MR. SHEN: Objection. Can
5 you just clarify what you mean,
6 "for the driver's license"?

7 MR. POUNIAN: Well, it's the
8 witness who mentioned driver's
9 license in relation with the
10 consulate. That's why I'm asking
11 the question.

12 MR. SHEN: If you could just
13 clarify what exactly you mean,
14 Steve.

15 MR. POUNIAN: A driver's
16 license.

17 MR. SHEN: Okay.

18 Objection to form. Vague
19 and ambiguous.

20 THE WITNESS: I don't
21 remember.

22 BY MR. POUNIAN:

23 Q. When you were in California,
24 was there anyone at the Saudi Embassy to

1 whom you reported?

2 A. No. Like I said, there was
3 only Al Sowailem, who was the
4 administrative director for whom I dealt
5 regarding vacations.

6 Q. How often did you talk to
7 Khalid Al Sowailem?

8 A. I really don't remember
9 exactly now, but I think perhaps every
10 two months or so.

11 Q. And did you have occasion to
12 talk to anyone else at the Saudi Embassy
13 in Washington while you were in --

14 INTERPRETER ABDEL-RAHMAN:

15 While you were in California, you
16 said, Steve?

17 MR. POUNIAN: Yes.

18 THE WITNESS: I don't
19 remember.

20 MR. POUNIAN: If we could
21 put up before the witness
22 Exhibit-831A, again. And go to
23 Page 3, Reference E.

24 BY MR. POUNIAN:

1 Q. The 9/11 Commission
2 interview states that you were asked if
3 there was anyone at the Saudi Embassy in
4 Washington to whom you reported. You
5 said that you had the most contact with
6 Dr. Majed, who was responsible for
7 Islamic Affairs at the embassy.

8 Do you see that, sir?

9 A. Majed or Khalid?

10 Q. The document says Dr. Majed,
11 sir.

12 Do you know who Dr. Majed
13 is?

14 A. No, I don't.

15 Q. Did you know a Dr. Majed
16 Ghesheyan at the embassy when you were
17 working in Los Angeles?

18 A. I don't know him.

19 Q. Did you know the Islamic
20 Affairs Department at the embassy, the
21 Saudi Embassy in Washington, D.C.?

22 A. I know the office at which
23 Khaled Sowailem worked. It was called
24 the Islamic Affairs.

1 the King Fahad Mosque was not made by the
2 council of the mosque but, rather, by the
3 consulate.

4 Sir, did you tell the 9/11
5 Commission that?

6 A. I don't remember that
7 statement. But does it say that I was
8 appointed by the consulate?

9 Q. It says that your
10 appointment was made by the consulate.

11 A. No, that's incorrect.

12 Q. And who made the
13 appointment? Who made your appointment
14 to the mosque, sir?

15 A. I don't remember those
16 details. But I was the most qualified
17 person to be the Imam for the mosque.
18 And that's what the administration knew,
19 and that's how I was appointed. And that
20 lasted for the following few years.

21 Q. So it is your testimony that
22 the administration of the mosque made the
23 decision to appoint you as the Imam of
24 the King Fahad Mosque; is that correct?

1 A. I don't remember any
2 particular paperwork. But it was
3 undoubtedly the will of the mosque
4 administration to appoint me as an Imam,
5 and they supported the desire of the
6 congregation. And that's why I lasted
7 for years as an Imam at the mosque.

8 Q. So it is your testimony that
9 the decision for you to be the Imam of
10 the King Fahad Mosque was made by the
11 administration of the mosque and not
12 Saudi Arabia; is that right?

13 A. Correct.

14 Q. Now, sir, we heard the
15 testimony of Dr. Khalil in this case that
16 you were never the Imam of the King Fahad
17 Mosque.

18 What would you say to his
19 statement?

20 A. That statement is incorrect,
21 of course.

22 What I'd like to clarify is
23 that my appointment as an Imam for the
24 mosque was a spontaneous or automatic

1 thing that met the desire of the
2 community and the congregation and was
3 supported by everyone.

4 And I don't remember any
5 written decision. There might have been
6 one, but I am not aware of one.

7 Q. And when did that
8 spontaneous event occur?

9 A. From the beginning, since
10 the grand opening of the mosque. Because
11 I used to lead the prayers at Ibn
12 Taymiyyah Mosque when the Imam was
13 absent, and sometimes I prayed also
14 during Ramadan. So once the King Fahad
15 Mosque was opened, I became the Imam.

16 Q. And who was the
17 administration of the King Fahad Mosque
18 that appointed you as the Imam?

19 A. Like I said, I'm not aware
20 of any particular decision that was made.
21 There was an approval -- an approval that
22 I become the Imam by the administration,
23 including Dr. Khalil and Shuaib.

24 Everybody supported and

1 accepted me to become the Imam, including
2 the mosque administration. They
3 supported my becoming an Imam.

4 Q. And when you use the word
5 "mosque administration," who are you
6 referring to?

7 A. Khalil Al Khalil and Shuaib.

8 Q. Anyone else?

9 A. No, I don't know anybody
10 else.

11 Q. Did you know who served on
12 the board of directors of the Ibn
13 Taymiyyah Foundation that ran the King
14 Fahad Mosque?

15 MR. SHEN: Objection to
16 form.

17 You can answer.

18 THE WITNESS: I don't know
19 them.

20 BY MR. POUNIAN:

21 Q. Did you know that seven of
22 the directors of the Ibn Taymiyyah
23 Foundation as of -- from 1997 through
24 2001 were officials of the Kingdom of

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE: TERRORIST ATTACKS : 03-MDL-1570
ON SEPTEMBER 11, 2001 : (GBD) (SN)

- - -

JUNE 29, 2021
VOLUME II

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Remote Videotaped
Deposition, taken via Zoom, of FAHAD
AL-THUMAIRY, commencing at 7:14 a.m., on
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Commonwealth of Pennsylvania.

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1 MR. POUNIAN: It will be
2 posted.

3 Let me know when you have
4 it, Mr. Shen.

5 MR. NITZ: This is Eric
6 Nitz. Can we get a copy, too?
7 Will it just be in the chat?

8 MR. POUNIAN: It should be.

9 MR. NITZ: Thanks.

10 MS. INT-HOUT: It's coming
11 up in the chat. Hold on.

12 MR. NITZ: I see it. Thank
13 you.

14 MR. POUNIAN: If we could go
15 to the 31st of October, the Line
16 Number 3 on this document.

17 BY MR. POUNIAN:

18 Q. It shows you had a call for
19 43 minutes with Mr. Mana on October 31st,
20 1999.

21 I take it, sir, you don't
22 recall any phone call with [REDACTED]; is
23 that right?

24 MR. SHEN: Objection to the

1 use of this purported summary
2 exhibit, which was produced for
3 the first time in this deposition.
4 We haven't had a chance to review
5 its contents for accuracy.

6 THE WITNESS: Is there a
7 question?

8 BY MR. POUNIAN:

9 Q. I'm asking, do you recall
10 speaking -- calling [REDACTED] at any
11 time on any of these occasions that are
12 on this exhibit?

13 A. I personally don't remember
14 specifically. But it happened a lot that
15 people from the consulate, from the
16 Islamic Affairs, would call and inquire
17 about something related to pilgrimage or
18 something related to family matters.

19 And there were many times
20 where people went to the consulate asking
21 those questions, and then the consulate
22 would call us to inquire about that.

23 But I personally do not
24 remember any particular call I made with

1 him.

2 Q. Sir, there was a time when
3 Consul General Salloum --

4 MR. POUNIAN: We can take
5 this down.

6 BY MR. POUNIAN:

7 Q. Consul General Salloum
8 appointed Ismail Mana to oversee some of
9 the finances of the King Fahad Mosque.

10 Do you recall that?

11 MR. SHEN: Objection.

12 Mischaracterizes the evidence.

13 THE WITNESS: I don't know
14 about that thing, and it doesn't
15 concern me.

16 BY MR. POUNIAN:

17 Q. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1 BY MR. POUNIAN:

2 Q. And the two people you
3 identified were Sami al-Ibrahim and
4 Consul General Salloum, right?

5 A. That's what I remember now.
6 There might have been people whom I
7 forgot now.

8 MR. POUNIAN: Let's take a
9 break now.

10 VIDEO TECHNICIAN: Going off
11 record, 10:30 a.m.

12 - - -

13 (Whereupon, a brief recess
14 was taken.)

15 - - -

16 VIDEO TECHNICIAN: We're
17 back on the record. The time is
18 10:45 a.m.

19 INTERPRETER ABDEL-RAHMAN:
20 David, I can't hear you. I can't
21 hear.

22 VIDEO TECHNICIAN: Did
23 everyone else hear me?

24 INTERPRETER ABDEL-RAHMAN:

1 Sorry. My bad.

2 VIDEO TECHNICIAN: We're
3 back on the record, Marwan.

4 MR. POUNIAN: If we could
5 put before the witness
6 Exhibit-444, please.

7 BY MR. POUNIAN:

8 Q. Sir, this is a report of a
9 Ramadan 1419 visit of Majed Al Mersal.

10 Do you recall the visit of
11 Majed Mersal to the King Fahad Mosque --
12 make that the Ibn Taymiyyah Mosque.

13 A. I don't remember.

14 Q. Do you recall a man named
15 Majed Al Mersal?

16 A. I don't remember him.

17 MR. POUNIAN: If we could
18 turn to the second page of this
19 document, please.

20 BY MR. POUNIAN:

21 Q. If you could look -- if you
22 could look at his name, please, and tell
23 me if you recognize it.

24 A. I don't recognize this name.

1 INTERPRETER ABDEL-RAHMAN:

2 And the witness asked the
3 interpreter to speak louder.

4 Is this a general issue
5 or am I loud and clear enough?

6 MR. POUNIAN: I can hear you
7 also.

8 If we could highlight the
9 last paragraph of this document,
10 please.

11 BY MR. POUNIAN:

12 Q. Do you see that Mr. Majed Al
13 Mersal mentions you and thanks you?

14 A. Yes.

15 Q. And he thanks you for good
16 hospitality, coordination and follow-up.

17 A. Yes, I am reading that.

18 Q. And do you know who Mr.
19 Mersal was working for?

20 A. I don't remember him, and I
21 don't know for whom he worked or with
22 whom he worked.

23 Q. If we look to the signature
24 line again, it states that he was a

1 MR. SHEN: Objection.

2 Misstates the evidence.

3 THE WITNESS: I don't
4 remember.

5 BY MR. POUNIAN:

6 Q. The phone records also show
7 that after Ramadan 1420, you then made
8 five additional phone calls to Dr. Majed
9 Mersal in Saudi Arabia.

10 MR. SHEN: Objection to the
11 characterization of the evidence.

12 BY MR. POUNIAN:

13 Q. Do you have any recollection
14 of speaking to Dr. Majed Mersal on the
15 phone and calling him on the phone?

16 A. I don't remember.

17 Q. Do you recall --

18 MS. INT-HOUT: Pardon my
19 interruption again. I received
20 it. One moment, please.

21 MR. POUNIAN: I don't need
22 to mark it now. We'll just move
23 on.

24 Thank you. So we can just

1 take that exhibit off, and we'll
2 make whatever the next exhibit is
3 the next exhibit.

4 BY MR. POUNIAN:

5 Q. Do you recall a propagator
6 named Abdullah Al Jaithen?

7 A. I don't know him.

8 Q. He also testified in this
9 case that he came to the King Fahad
10 Mosque and gave lessons at the mosque for
11 Ramadan 1420.

12 Do you have any recollection
13 of Abdullah Al Jaithen?

14 A. I don't remember him.

15 Q. And he also testified that
16 he had dinner at your home -- he and Dr.
17 Majed Mersal had dinner at your home one
18 evening in Los Angeles.

19 Do you recall hosting them
20 at your home in Los Angeles when they
21 traveled in the Imamate program for the
22 year 1420 Ramadan?

23 A. I don't remember.

24 Q. What was your

1 responsibility, sir, with regards to the
2 Imamate program for Ramadan?

3 A. I had nothing to do with the
4 Imamate program at all. I was not -- it
5 was not one of my concerns.

6 Q. Sir, wouldn't you host
7 visiting propagators at your mosque in
8 Los Angeles?

9 A. I don't remember anyone in
10 particular.

11 Q. Well, I just showed you the
12 exhibit from Dr. Majed Mersal in which he
13 thanks you for your coordination, your
14 follow-up.

15 Do you recall performing
16 those types of duties as part of your job
17 in Los Angeles for visiting Ramadan
18 propagators?

19 A. I don't remember anything in
20 particular.

21 However, we generally
22 received people with a welcome gesture
23 and smiles. And sometimes people had
24 questions when they traveled. They would

1 Q. You have no recollection of
2 where you got the cell phone from, sir?

3 A. I don't remember from where
4 I bought it.

5 MR. POUNIAN: Can we put
6 before the witness Exhibit-518?

7 BY MR. POUNIAN:

8 Q. Sir, the FBI produced to us
9 in this case Omar al-Bayoumi's phone
10 book, and this version is dated January
11 26th, 2000.

12 MR. POUNIAN: If we could
13 just highlight the top of that for
14 the witness, please.

15 MR. SHEN: Objection.
16 Mischaracterizes the document.

17 BY MR. POUNIAN:

18 Q. And Mr. Bayoumi listed a
19 listing for you in his phone book.

20 MR. POUNIAN: If we could
21 scroll down, it's about the
22 seventh from the bottom.

23 MR. SHEN: Objection.
24 Mischaracterizes the document and

1 the record evidence.

2 BY MR. POUNIAN:

3 Q. And he listed for you the
4 home number which we just reviewed,
5 [REDACTED]-0638. That's the number that you
6 had on Kelton and on Huron. And he also
7 listed a cell phone for you,
8 [REDACTED]-3362.

9 Was that your cell phone,
10 sir, when you were in Los Angeles?

11 MR. SHEN: Objection.
12 Mischaracterizes the record
13 evidence.

14 You can answer.

15 THE WITNESS: I don't
16 remember. This second number, I
17 don't remember it.

18 BY MR. POUNIAN:

19 Q. All right. When we looked
20 up this number and we subpoenaed the
21 subscriber information for the number, we
22 got this information.

23 MR. POUNIAN: If we could
24 put up Exhibit-671 side by side

1 with this exhibit, please.

2 And if you could just
3 highlight the -- just expand the
4 page so we can see the information
5 there, please.

6 BY MR. POUNIAN:

7 Q. The subscriber for this
8 particular phone number was listed as
9 Faisal al-Muhanna, with an address on
10 Bellflower Boulevard in Long Beach.

11 Do you see that, sir?

12 Did you know Faisal
13 al-Muhanna?

14 A. I remember now he was a
15 Saudi student. It was either Faisal
16 al-Muhanna or Fahad al-Muhanna.

17 Q. And what was your
18 relationship with Faisal al-Muhanna?

19 A. He was just one of the
20 students who came on Fridays to pray at
21 the mosque.

22 Q. And did you ever engage in
23 any business transactions with Faisal
24 al-Muhanna?

1 Q. It says -- we already read
2 that sentence.

3 MR. SHEN: And just to be
4 clear, you're talking about the
5 lease at the Avalon Apartments,
6 not 4133 Huron?

7 MR. POUNIAN: That is
8 correct.

9 THE WITNESS: What is the
10 question exactly?

11 BY MR. POUNIAN:

12 Q. The question is, do you
13 recall this transaction where you were
14 getting a lease with al-Muhanna, where he
15 was listed as the primary resident on the
16 lease?

17 MR. SHEN: Objection to
18 form.

19 THE WITNESS: No, I don't
20 remember such a thing. And I did
21 not reside with anyone.

22 MR. POUNIAN: If we go to
23 the next page, the beginning --
24 the first sentence of the

1 second -- the first full paragraph
2 there.

3 BY MR. POUNIAN:

4 Q. It states that, al-Thumairy
5 is the emergency contact and he lists his
6 address as [REDACTED] Huron Avenue, Culver
7 City.

8 Is that where you were
9 residing at that time?

10 A. I did reside at that
11 address, but I don't recall the exact
12 date when.

13 Q. And there's a telephone
14 number listed here, [REDACTED]-0777.

15 Was that your phone number,
16 sir?

17 MR. SHEN: Objection.

18 Timeframe.

19 THE WITNESS: I'm not sure
20 whether or not this was my number.

21 BY MR. POUNIAN:

22 Q. Do you recall having that
23 number when you were in Los Angeles, sir?

24 A. I don't remember exactly.

1 Q. Well, what do you remember?

2 A. That first number, that
3 personal 2020 number. That's the one I
4 remember with.

5 Q. Do you have a recollection
6 of this particular number?

7 A. No, I don't recall it
8 specifically.

9 Q. All right. If we could go
10 down the page.

11 It says that -- the
12 second-to-last sentence in that
13 paragraph, it says, The file also
14 contains copies of a checks drawn on the
15 account of [REDACTED].

16 Who is [REDACTED],
17 sir?

18 A. What does it say? It
19 translated for me --

20 INTERPRETER ABDEL-RAHMAN:

21 The interpreter is going to
22 interpret that sentence.

23 THE WITNESS: I don't know
24 that person. And what file are

1 they referring to?

2 BY MR. POUNIAN:

3 Q. The file for the apartment,
4 the Avalon Westside Apartment.

5 A. I don't know that thing.
6 What I do remember is that I resided
7 twice at the Avalon.

8 Q. How many apartments did
9 you -- I'm sorry. Were you finished?

10 A. And I remember also an old
11 man who was sick, a Saudi national, who
12 called the consulate and asked for
13 someone to help him get an apartment. He
14 was too old to reside at the hotel.

15 He contacted the mosque and
16 we made a reservation for him at the
17 Avalon, and he showed up and paid for the
18 apartment.

19 Q. You said, sir, that he first
20 contacted the consulate; is that right?

21 A. No, no. He contacted the
22 mosque. I forgot now, but I believe he
23 contacted the mosque.

24 Q. You said he called the

1 as per the system, then it would have
2 been normal.

3 Q. And did you -- strike the
4 question.

5 Sir, did you know a man
6 named Mohdar Abdullah?

7 A. No.

8 Q. Do you know a man named
9 Akram Al Zamari?

10 A. No.

11 Q. You don't -- do you recall a
12 man named Akram Al Zamari, who worked at
13 Circuit City in Los Angeles, who you
14 recommended to others as someone who
15 could be the source of computers and
16 other electronic equipment?

17 MR. SHEN: Objection to
18 form.

19 THE WITNESS: I don't
20 remember.

21 BY MR. POUNIAN:

22 Q. Can you tell us the name of
23 any Ministry of Islamic Affairs officials
24 who visited the King Fahad Mosque when

1 you were there?

2 A. Like I mentioned a while
3 ago, I only remember Sowailem who showed
4 up for the inauguration of the King Fahad
5 Mosque. Otherwise, I don't remember.

6 Q. Do you remember a visit from
7 Deputy Minister Ammar to the mosque?

8 A. I don't remember at the
9 moment, unless he came into the
10 inauguration of the mosque with the
11 guests. But I don't remember.

12 Q. You don't recall that he
13 visited the mosque in September of 2000?

14 A. I don't remember.

15 Q. Sir, did you meet a man
16 named Nawaf al-Hazmi?

17 A. I do not know him.

18 Q. Do you know that he's one of
19 the hijackers who participated in the
20 9/11 attacks against the United States?

21 A. Yes. I remember he's one of
22 the names that we heard about in the
23 media, yes.

24 Q. And did you meet him in Los

1 Angeles, sir?

2 A. No, no. I don't remember.

3 I don't know him, and I don't remember.

4 Q. Sir, three witnesses in this
5 case have identified you as meeting with
6 Nawaf al-Hazmi in Los Angeles.

7 Do you have any recollection
8 or can you explain to the court and to us
9 here today about your meetings with Nawaf
10 al-Hazmi in Los Angeles?

11 MR. SHEN: Objection.

12 Completely mischaracterizes the
13 record evidence.

14 THE WITNESS: I don't meet
15 people that I don't know. Perhaps
16 he frequented the mosque or the
17 Friday prayer. Perhaps he came to
18 the mosque. Many people come and
19 go.

20 But I do not meet people
21 that I do not know. And I do not
22 know him whatsoever.

23 BY MR. POUNIAN:

24 Q. One of the witnesses, Akram

1 Al Zamari, said that Nawaf al-Hazmi was
2 introduced to Mohammad Johar by you at
3 the mosque.

4 MR. SHEN: Objection.

5 Mischaracterizes the evidence.

6 THE WITNESS: I do not know
7 about that, and I don't remember.
8 And I do not meet with somebody
9 that I don't know, to start with.

10 BY MR. POUNIAN:

11 Q. What do you mean you don't
12 meet with somebody you don't know?

13 A. I don't meet people that I
14 don't know. Perhaps he's somebody who
15 came to the mosque and prayed. And I
16 don't know him. Maybe he came and prayed
17 and then we greeted on the go. That
18 could have happened.

19 But I do not meet with
20 people that I do not know.

21 Q. And when you say "meet
22 people," what do you mean by "meet
23 people"?

24 A. I don't meet people that I

1 know him, and I did not meet with him.

2 Q. Are you telling the families
3 of the 9/11 victims, the survivors of
4 those attacks, are you telling them that
5 you don't remember meeting and helping
6 the hijackers?

7 MR. SHEN: Objection. Asked
8 and answered. Grandstanding.

9 INTERPRETER MIKHAIL: The
10 interpreter is not sure. It
11 glitched.

12 VIDEO TECHNICIAN: He's
13 frozen on my side.

14 MR. POUNIAN: Let's go off
15 the record.

16 VIDEO TECHNICIAN: Going off
17 record, 12:30 p.m.

18 - - -

19 (Whereupon, a brief recess
20 was taken.)

21 - - -

22 VIDEO TECHNICIAN: We're
23 back on the record, 12:31 p.m.

24 BY MR. POUNIAN:

1 Q. Sir, are you telling the
2 9/11 families, the survivors of the
3 persons who were murdered on September
4 11th, 2001, that you did not meet with
5 the two hijackers Nawaf al-Hazmi and
6 Khalid al-Mihdhar?

7 MR. SHEN: Objection.

8 You can answer.

9 THE WITNESS: Yes. I did
10 not meet with them.

11 BY MR. POUNIAN:

12 Q. You don't even recognize
13 their names?

14 MR. SHEN: Objection.

15 Misstates the testimony.

16 THE WITNESS: Now that you
17 mentioned it, I remember that it
18 was mentioned on the media. But
19 it's been many long years.

20 BY MR. POUNIAN:

21 Q. And you didn't speak to them
22 at the King Fahad Mosque, sir; is that
23 your testimony?

24 A. I don't remember ever

1 speaking to them, never.

2 Q. And did you have meals with
3 them, sir, with Nawaf al-Hazmi and Khalid
4 al-Mihdhar? Did you eat with them?

5 A. No.

6 Q. Sir, did you assist them
7 with housing when they first arrived in
8 Los Angeles?

9 A. No.

10 Q. Sir, did you contact others
11 regarding Nawaf al-Hazmi and Khalid
12 al-Mihdhar?

13 A. No.

14 Q. Did you contact Omar
15 al-Bayoumi about Nawaf al-Hazmi and
16 Khalid al-Mihdhar?

17 A. No.

18 Q. Sir, do you recall an event
19 where you met Mohdar Abdullah, Nawaf
20 al-Hazmi, Khalid al-Mihdhar, Mohammad
21 Johar and Akram Al Zamari at the King
22 Fahad Mosque in June of 2000?

23 A. No, I did not meet with
24 them.

1 Q. Did you have a meeting with
2 Nawaf al-Hazmi and Khalid al-Mihdhar at
3 the mosque or at a nearby location, sir?

4 A. No.

5 Q. Didn't you meet with them in
6 private, sir?

7 MR. SHEN: Objection to
8 form.

9 THE WITNESS: No.

10 BY MR. POUNIAN:

11 Q. Sir, did you call Ismail
12 Mana on the day that the hijackers
13 arrived in Los Angeles?

14 A. I don't remember.

15 Q. Did you call Omar al-Bayoumi
16 on the day that he arranged for the
17 hijackers' apartment in San Diego?

18 MR. SHEN: Objection to
19 form.

20 THE WITNESS: I do not know
21 Bayoumi, and I do not know about
22 any arrangements that he made or
23 he did not make. I did not know.

24 BY MR. POUNIAN:

1 Q. Specifically, did you call
2 Omar al-Bayoumi on February 4th, 2000, on
3 the day that --

4 MR. SHEN: Are you on the
5 FBI record or not?

6 MR. POUNIAN: We're on the
7 FBI record.

8 MR. SHEN: All right. Let's
9 go on the FBI record.

10 VIDEO TECHNICIAN: We are.
11 We're still on the FBI record.

12 MR. SHEN: Okay. Sorry.
13 Go ahead.

14 BY MR. POUNIAN:

15 Q. Sir, did you call Omar
16 al-Bayoumi on February 4th, 2000, on the
17 day that he was making arrangements for
18 the hijackers' apartment in San Diego?

19 MR. SHEN: Objection.
20 Misstates the record evidence.

21 THE WITNESS: I don't
22 remember anything of the sort.

23 BY MR. POUNIAN:

24 Q. And did you call Ismail

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - -

IN RE: TERRORIST ATTACKS : 03-MDL-1570
ON SEPTEMBER 11, 2001 : (GBD) (SN)

- - -

JUNE 30, 2021
VOLUME III

THIS TRANSCRIPT CONTAINS
CONFIDENTIAL MATERIAL

- - -

Remote Videotaped
Deposition, taken via Zoom, of FAHAD
AL-THUMAIRY, commencing at 7:02 a.m., on
the above date, before Amanda
Maslynsky-Miller, Certified Realtime
Reporter and Notary Public in and for the
Commonwealth of Pennsylvania.

- - -

GOLKOW LITIGATION SERVICES
877.370.3377 ph | 917.591.5672 fax
deps@golkow.com

1 vacation.

2 Q. The Ramadan after the 9/11
3 attacks?

4 A. I believe so, yes.

5 Q. Did you hear that other
6 individuals were expelled from the King
7 Fahad Mosque?

8 A. I didn't hear that. I don't
9 know about expelling people, but I know
10 that people leave the mosque. Whether
11 they were expelled or they left on their
12 own, I don't know.

13 Q. Well, do you recall hearing,
14 sir, that a group of men were told not to
15 come to the mosque after the 9/11
16 attacks?

17 A. No, I was not aware of that.
18 This is something that would be handled
19 by the administration, by Shuayb.

20 But as an Imam, that
21 wouldn't be part of my responsibilities.
22 My responsibility was to lead prayers.

23 Q. So am I correct, sir, that
24 you have never heard about anyone being

1 told not to come to the mosque after the
2 9/11 attacks?

3 A. I don't remember anything of
4 that nature.

5 Q. Did you know a man named
6 Mussaed Al Jarrah?

7 A. No, I don't remember him.

8 Q. Did you know the Islamic
9 Affairs Department at the embassy in
10 Washington, sir?

11 MR. SHEN: Objection. Asked
12 and answered.

13 THE WITNESS: I know of
14 them, the office at which Mr.
15 Khalid Sowaillem worked.

16 BY MR. POUNIAN:

17 Q. And were you aware of either
18 Mussaed Al Jarrah or Dr. Ghesheyan, Dr.
19 Majed Ghesheyan, in the Islamic office of
20 the embassy in Washington, D.C.?

21 A. I don't know them.

22 Q. Now, we've heard the
23 testimony here of Omar al-Bayoumi that he
24 called the embassy and asked for some

1 assistance, and he was given the name of
2 Mr. Jarrah as the person responsible for
3 religious and Islamic Affairs.

4 Are you telling us, sir,
5 that you do not know Mussaed Al Jarrah?

6 MR. SHEN: Objection.

7 Mischaracterizes the testimony.

8 THE WITNESS: I don't know
9 him.

10 BY MR. POUNIAN:

11 Q. Sir, did you know that Mr.
12 Jarrah traveled to Los Angeles in 2002 to
13 the King Fahad Mosque?

14 A. I don't know.

15 Q. Were you aware, sir, that --
16 anyone from the embassy traveling to the
17 King Fahad Mosque after the 9/11 attacks?

18 A. I don't know.

19 Q. Sir, do you --

20 MR. POUNIAN: Let's put up
21 Exhibit-424, please. If we could
22 turn to the first page of the
23 document. Show the witness the
24 Arabic. It's the second page, I'm

1 sorry.

2 BY MR. POUNIAN:

3 Q. First of all, this letter is
4 addressed to His Royal Highness Prince
5 Bandar.

6 Do you know who that is,
7 sir?

8 A. Yes, I heard about him. He
9 was an Ambassador.

10 Q. Did you ever meet him?

11 A. No.

12 MR. POUNIAN: Let's go to
13 the last page, please, the
14 signature.

15 BY MR. POUNIAN:

16 Q. And the document is signed
17 on behalf of Dr. Majed Al Ghesheyan.

18 Do you see that, sir?

19 A. Yes.

20 Q. And it's your testimony that
21 you don't know who that is; is that
22 right?

23 A. Correct. I don't know him.

24 MR. POUNIAN: If we could go

1 related to that kind of subject.
2 My studies were related to
3 rituals, like fasting, like
4 prayers, and the rulings
5 surrounding them.

6 BY MR. POUNIAN:

7 Q. Can you tell us what is
8 meant by Dar al-Harb and Dar al-Islam,
9 sir?

10 MR. SHEN: Objection. Mr.
11 Thumairy is not being offered as
12 an expert witness in this case.

13 You can answer if you know.

14 THE WITNESS: No, I don't
15 know. I don't know.

16 BY MR. POUNIAN:

17 Q. Do you know, sir, the jihadi
18 Salafi view about certain countries, such
19 as Russia and the United States, that
20 they be considered, in the first
21 category, as bilad harb?

22 MR. SHEN: Objection to
23 form.

24 THE WITNESS: I don't know

1 about that thing.

2 BY MR. POUNIAN:

3 Q. Well, had you heard or do
4 you have knowledge that the jihadi Salafi
5 doctrine permits jihad to be conducted
6 against those countries that are
7 considered as bilad harb?

8 MR. SHEN: Objection to
9 form.

10 THE WITNESS: I don't know
11 about that terminology at all, and
12 I'm not interested in it.

13 BY MR. POUNIAN:

14 Q. Sir, aren't you aware
15 that -- of the view that because the
16 United States is considered bilad harb,
17 that violent attacks of the kind that
18 were carried out on 9/11 are justified?

19 MR. SHEN: Objection to
20 form.

21 THE WITNESS: I don't know
22 about that kind of justification.

23 But any justification that
24 anyone can come up with is

1 incorrect, because in Islam we
2 criminalize aggressions against
3 anyone. And we criticized that
4 act back then, at the time.

5 In Islam you cannot even
6 hurt an animal, let alone human
7 beings. So this justification is
8 incorrect.

9 BY MR. POUNIAN:

10 Q. Sir, had you -- are you
11 familiar with the Hadith that was
12 attributed to the Prophet Mohammad on his
13 deathbed that only one religion shall
14 exist in the Arabian Peninsula?

15 MR. SHEN: Objection to
16 form.

17 THE WITNESS: I don't know
18 it.

19 BY MR. POUNIAN:

20 Q. Are you familiar --

21 A. But what I know is that, in
22 actuality, during the life of Prophet
23 Mohammad, all religions co-existed in the
24 Arabian Peninsula. And even in Madina,

1 the city where the Prophet himself lived,
2 his neighbor was not a Muslim.

3 But interaction with
4 non-Muslims should be just similar to
5 interaction with Muslims. It should be
6 in the best manners and abstain from
7 hurting them and dealing with them in the
8 best way possible.

9 Q. Sir, is it your testimony
10 that you are not familiar with the Hadith
11 attributed to the Prophet Mohammad that
12 only one religion shall exist in the
13 Arabian Peninsula?

14 MR. SHEN: Objection. He
15 just answered that question.

16 MR. POUNIAN: Well, I want
17 to hear an answer to it.

18 MR. SHEN: He already did.

19 THE WITNESS: I don't know
20 if that attribution of Hadith is
21 correct or incorrect.

22 BY MR. POUNIAN:

23 Q. Well, are you aware, sir,
24 that based on that Hadith, that only one

1 were serving as the Imam at the King
2 Fahad Mosque, did any member of the
3 community seek a consultation with you
4 about participating in military conflict
5 abroad?

6 A. Of course not.

7 Q. Do you recall anyone seeking
8 a consultation with you about an ongoing
9 conflict in Chechnya?

10 A. No.

11 MR. CARTER: That's all I
12 have.

13 MR. SHEN: All right. Are
14 there any questions from any of
15 the other defendants?

16 MR. NITZ: Nothing from us,
17 Andy.

18 MR. SHEN: Thank you. All
19 right.

20 I have some redirect
21 questions, please.

22 We can stay on the record.

23 - - -

24 EXAMINATION

1

- - -

2 BY MR. SHEN:

3 Q. Sheikh Fahad, my name is
4 Andy Shen, I'm a lawyer for the Kingdom
5 of Saudi Arabia.

6 Sir, during the past three
7 days, Mr. Pounian has asked you a series
8 of questions. And he asked you questions
9 about two individuals named Khalid
10 al-Mihdhar and Nawaf al-Hazmi.

11 And when was the first time
12 that you heard the names Khalid
13 al-Mihdhar and Nawaf al-Hazmi?

14 A. I heard them after the
15 events, from the media.

16 Q. And when you refer to "the
17 events," what events are you referring
18 to?

19 A. September 11th events.

20 Q. And prior to the September
21 11th terrorist attacks, had you ever
22 heard the name Khalid al-Mihdhar or Nawaf
23 al-Hazmi?

24 MS. FLOWERS: Objection to

1 form.

2 THE WITNESS: No.

3 BY MR. SHEN:

4 Q. Do you recall ever meeting
5 Khalid al-Mihdhar or Nawaf al-Hazmi?

6 A. Never.

7 Q. Were you ever given
8 instructions by anyone to assist Khalid
9 al-Mihdhar or Nawaf al-Hazmi?

10 A. Not at all.

11 Q. Were you ever given
12 instructions by anyone to assist any of
13 the 9/11 hijackers?

14 A. Never.

15 Q. Did anyone in the Saudi
16 government ever give you instructions to
17 assist Khalid al-Mihdhar or Nawaf
18 al-Hazmi or any of the 9/11 hijackers?

19 MS. FLOWERS: Objection to
20 form. Lack of foundation.

21 THE WITNESS: No, never.

22 BY MR. SHEN:

23 Q. Have you had any discussions
24 with anyone from the Saudi Embassy in

1 Washington, D.C., or the Los Angeles
2 consulate about Khalid al-Mihdhar, Nawaf
3 al-Hazmi or any of the 9/11 hijackers?

4 A. No, never.

5 Q. Now, prior to the 9/11
6 attacks, did you ever have discussions
7 with anyone about Khalid al-Mihdhar,
8 Nawaf al-Hazmi or any of the other 9/11
9 hijackers?

10 A. No, never.

11 Q. Did you ever do anything at
12 all to assist Khalid al-Mihdhar, Nawaf
13 al-Hazmi or any of the 9/11 hijackers?

14 A. No, never.

15 Q. Did you ever instruct anyone
16 else to assist Khalid al-Mihdhar, Nawaf
17 al-Hazmi or any of the 9/11 hijackers?

18 A. Never.

19 Q. Do you have any knowledge of
20 anything that anybody did to assist
21 Khalid al-Mihdhar, Nawaf al-Hazmi or any
22 of the 9/11 hijackers?

23 MS. FLOWERS: Objection to
24 form. Scope. And lack of

1 foundation.

2 THE WITNESS: Not at all.

3 BY MR. SHEN:

4 Q. Before the 9/11 attacks, did
5 you have any knowledge at all that those
6 attacks were being planned?

7 A. No.

8 Q. Before the 9/11 attacks, did
9 you have any suspicion at all that those
10 attacks were being planned?

11 A. No.

12 Q. Now, Mr. Pounian asked you
13 questions about an individual named Omar
14 al-Bayoumi.

15 When is the first time that
16 you recall hearing the name Omar
17 al-Bayoumi?

18 A. After the September events,
19 from the media also.

20 Q. And do you remember hearing
21 the name Omar al-Bayoumi before the
22 September 11th terrorist attacks?

23 A. No.

24 Q. Do you ever recall meeting

1 Mr. Omar al-Bayoumi?

2 A. No.

3 Q. Do you have any relationship
4 whatsoever with Omar al-Bayoumi?

5 A. No.

6 Q. Did you ever discuss any of
7 the 9/11 hijackers with Omar al-Bayoumi?

8 A. No.

9 Q. Are you aware of any
10 assistance that Mr. Omar al-Bayoumi is
11 alleged to have provided to any of the
12 9/11 hijackers?

13 A. No.

14 Q. Are you aware of any
15 instructions that Mr. Omar al-Bayoumi
16 provided to anyone else to assist any of
17 the 9/11 hijackers?

18 MS. FLOWERS: Objection.

19 Calls for speculation.

20 THE WITNESS: No.

21 MR. SHEN: We need to go on
22 the FBI record, please.

23 MS. PRITSKER: DIB counsel
24 is now being excluded from the

1 deposition.

2 VIDEO TECHNICIAN: One
3 moment.

4 - - -

5 (FBI Protected Material.)

6 - - -

7 MR. SHEN: Can the
8 technician please put up
9 Exhibit-698?

10 VIDEO TECHNICIAN: We're all
11 set.

12 BY MR. SHEN:

13 Q. Sir, Exhibit-698 is a
14 document that plaintiffs showed you.
15 It's a document that they created and
16 which they asserted show calls between
17 you and Mr. Omar al-Bayoumi.

18 Do you recall being asked
19 questions about this document?

20 A. What were the questions?

21 Q. The question is, do you
22 recall that Mr. Pounian showed you this
23 document?

24 A. Yes.

1 Q. Now, sir, as part of your
2 duties as an Imam at the King Fahad
3 Mosque, did you receive calls from
4 individuals in the Islamic community?

5 MR. POUNIAN: I'm going to
6 object to the leading question.

7 THE WITNESS: Yes.

8 BY MR. SHEN:

9 Q. And why would individuals in
10 the Islamic community call you, as the
11 Imam of the King Fahad Mosque?

12 A. Because I'm qualified in the
13 Islamic field, in the field of Islamic
14 sciences and studies, and they would call
15 to ask for consultations regarding family
16 matters or worshipping matter or rituals.

17 Q. And did you know personally
18 all of the individuals that called you to
19 ask you questions about these issues?

20 MR. POUNIAN: Object to
21 leading.

22 THE WITNESS: No, I did not
23 know all of them.

24 BY MR. SHEN:

1 Q. Did you know the names of
2 all of these individuals that called you
3 to ask you questions about these issues?

4 MR. POUNIAN: Leading.

5 THE WITNESS: No.

6 BY MR. SHEN:

7 Q. Is there a particular time
8 of year that you received more calls?

9 A. Mostly in the month of
10 Ramadan. During the month of Ramadan, I
11 would receive more calls inquiring about
12 breaking the fast, the Iftar, the fast or
13 the prayers during the month.

14 Q. Now, there's a telephone
15 number that is listed on this document
16 that plaintiffs have claimed is your cell
17 phone number. The number is
18 [REDACTED]-3362.

19 MR. SHEN: If we can go to
20 the next page, please.

21 BY MR. SHEN:

22 Q. And do you see that, the
23 telephone number, plaintiffs have
24 attributed that number to you?

1 MR. SHEN: If we could just
2 highlight the number and, say, the
3 recipient name, please.

4 MS. FLOWERS: Object to the
5 characterization of the document.

6 THE WITNESS: Yes, I do see
7 that number, yes.

8 BY MR. SHEN:

9 Q. Is that telephone number
10 familiar or unfamiliar to you?

11 A. Unfamiliar.

12 MR. SHEN: Can we see
13 Exhibit-518, please?

14 BY MR. SHEN:

15 Q. Now, plaintiffs showed you
16 this document as well.

17 Do you remember that?

18 A. Yes.

19 Q. And, sir, have you ever seen
20 this document before?

21 A. No.

22 Q. Did you ever, to your
23 recollection, provide any phone number to
24 Omar al-Bayoumi?

1 remember that number.

2 MR. SHEN: We can take this
3 document down, please. And we can
4 go off the FBI record.

5 - - -

6 (End of FBI Protected
7 Material.)

8 - - -

9 VIDEO TECHNICIAN: One
10 moment. All right. Everyone
11 should be back.

12 BY MR. SHEN:

13 Q. Now, Mr. Thumairy, Mr.
14 Pounian asked you questions suggesting
15 that you had a meeting with Khalid
16 al-Mihdhar and Nawaf al-Hazmi in June of
17 2000 at or near the King Fahad Mosque.

18 Do you remember that line of
19 questions?

20 MS. PRITSKER: My apologies.
21 DIB had been excluded from the
22 deposition at approximately 11:00
23 a.m. Eastern and has been
24 re-admitted to the deposition.

1 THE WITNESS: Yes, I
2 remember the question.

3 BY MR. SHEN:

4 Q. Now, plaintiffs have
5 specifically alleged elsewhere in the
6 case that that purported meeting occurred
7 on June 9th of 2000.

8 MR. SHEN: Can we pull up
9 Exhibit-405, please? And if we
10 scroll to the next page.

11 BY MR. SHEN:

12 Q. Sir, do you recognize this
13 document?

14 MR. SHEN: And scroll to the
15 next page, please.

16 THE WITNESS: Yes, that is
17 my passport.

18 MR. SHEN: And can we look
19 at the number KSA 6893, the page,
20 please?

21 BY MR. SHEN:

22 Q. Sir, do you see in the upper
23 half -- do you see in the upper half
24 there is an entry stamp that is written

1 in Arabic? It's upside down.

2 A. Yes, correct.

3 Q. And, sir, what is that
4 stamp?

5 A. This is an entry stamp for
6 entry to the Kingdom of Saudi Arabia.

7 Q. And what is the date that is
8 written on that entry stamp?

9 A. Eighth, Rabi 'Al-awwal of
10 1421.

11 Q. And that's the third month
12 of 1421; is that correct?

13 A. Correct. Correct. That is
14 the third month.

15 Q. And I will represent to you
16 that that is -- that corresponds to a
17 Gregorian date of June 10th of 2000.

18 MR. POUNIAN: I object to
19 that representation. It's June
20 11th, 2000.

21 MR. SHEN: It's not.

22 BY MR. SHEN:

23 Q. June 10th of 2000.

24 Now, sir, does this stamp

1 indicate that you traveled to Saudi
2 Arabia in June of 2000 and entered the
3 country on June 10th of 2000?

4 MR. POUNIAN: I object to
5 the question.

6 THE WITNESS: Yes. Correct.

7 BY MR. SHEN:

8 Q. Is Riyadh in the same time
9 zone as Los Angeles?

10 A. Of course not. There's time
11 difference.

12 Q. And do you recall that the
13 time difference between Riyadh and Los
14 Angeles was ten hours at this time of
15 year?

16 A. Correct. Minimum ten hours.

17 Q. Now, when you flew from Los
18 Angeles to Riyadh, did you ever fly
19 direct?

20 A. No. There are no direct
21 flights.

22 Q. And, sir, does that mean
23 that you would stop over somewhere on the
24 flight?

1 A. Yes.

2 Q. And how long was the
3 stopover when you stopped?

4 MR. CARTER: Objection.

5 THE WITNESS: It depends.

6 At times the transit would be a
7 day or two days, at times more.
8 And the minimum is five to six
9 hours to transfer flights.

10 BY MR. SHEN:

11 Q. All right. And sometimes
12 when you stopped over, would you spend
13 the night in the city where you stopped?

14 MR. CARTER: Objection.

15 THE WITNESS: Yes.

16 BY MR. SHEN:

17 Q. Now, given the stopover and
18 the fact that you had a many-hour
19 layover, and sometimes that you stopped
20 over for the night, how much time would
21 it take to actually travel from Los
22 Angeles to Riyadh?

23 MR. POUNIAN: Objection to
24 the question. Are you talking

1 about this particular event or in
2 general? Or what are you talking
3 about?

4 MR. SHEN: Just in general.

5 BY MR. SHEN:

6 Q. How long would it take you
7 to travel from Los Angeles to Riyadh?

8 A. So mostly it would take six
9 hours -- mostly it would take six hours
10 to get from Los Angeles to Washington or
11 New York. After that, it's another 12 to
12 14 hours' flight. I would say minimum 24
13 hours in total.

14 Q. All right.

15 A. Minimum. The transit time
16 at the airports would be minimum six
17 hours.

18 Q. You mean the layover would
19 be a minimum of six hours?

20 MR. POUNIAN: Objection.

21 THE WITNESS: Yes.

22 BY MR. SHEN:

23 Q. Now, given that -- your
24 testimony that it would take at least 24

1 hours to travel from Los Angeles to
2 Riyadh, and combined with the ten-hour
3 time difference between Los Angeles and
4 Riyadh, is there any possible way you
5 could have been in Los Angeles at the
6 King Fahad Mosque on the evening of June
7 9th, 2000, and still have entered Riyadh
8 on June 10th, 2000?

9 MR. POUNIAN: Objection.

10 MS. FLOWERS: Object to the
11 form.

12 MR. POUNIAN: Objection to
13 the premise of question and the
14 form.

15 MS. FLOWERS: Lack of
16 foundation.

17 MR. POUNIAN: Assuming facts
18 that are incorrect.

19 THE WITNESS: No, that is an
20 impossibility.

21 MR. SHEN: Can we pull up
22 Exhibit-413, please? And pull up
23 the Arabic version of the
24 document, please.

1 BY MR. SHEN:

2 Q. Sir, is this -- Exhibit-413,
3 is this your handwriting on this
4 document?

5 A. Yes.

6 Q. And is there a date under
7 your signature?

8 A. Yes. 7/3 of 1421.

9 Q. Now, sir, plaintiffs' own
10 translators have provided the Gregorian
11 date there as June 9th of 2000.

12 Do you see that on the
13 right-hand side?

14 A. Yes.

15 Q. And, sir, you recall that we
16 saw your passport stamp, the entry date
17 in Hijri was the third month, eighth day,
18 1421, so it's the day after this?

19 A. Yes.

20 Q. Now, sir, if we look at the
21 actual letter, do you see the letterhead?
22 It says, Kingdom of Saudi Arabia, Ifta
23 Office, Washington, D.C.?

24 A. Yes, correct.

1 Q. And what is this letterhead?

2 A. This is the propagation
3 office, the Da'wah office, in the United
4 States, the one that was in Washington.

5 Q. Did you have this Da'wah or
6 Ifta office letterhead while you were
7 working in Los Angeles?

8 A. No, I did not have it.

9 Q. Where did you get this
10 letterhead from?

11 A. From a paper from the office
12 in Washington. When I was in Washington,
13 I took it from them, while waiting as a
14 transit.

15 Q. And so does this indicate
16 that you went to the embassy in
17 Washington, D.C., on June 9th of 2000, on
18 transit to Saudi Arabia?

19 MR. POUNIAN: Objection to
20 leading.

21 MS. FLOWERS: Object to the
22 form.

23 THE WITNESS: Correct.

24 BY MR. SHEN:

1 Q. And, sir, given this
2 document, in combination with the entry
3 stamp on your passport, is there any way
4 that you could have been in Los Angeles
5 on the evening of June 9th of 2000?

6 MS. FLOWERS: Objection.

7 Calls for speculation.

8 MR. POUNIAN: Leading.

9 THE WITNESS: Impossible.

10 BY MR. SHEN:

11 Q. Now, sir, after the 9/11
12 attacks, you testified that you returned
13 to Los Angeles; is that correct?

14 A. Correct.

15 Q. And did you return to work
16 at the King Fahad Mosque?

17 A. Correct.

18 Q. And how often would you go
19 to the mosque when you returned to Los
20 Angeles after the 9/11 attacks?

21 A. Every day.

22 Q. Did you see an individual
23 named Usman Madha at the King Fahad
24 Mosque after the September 11th attacks?

1 A. Yes. I remember this
2 individual. He was one of the mosques'
3 employee and he was present, yes.

4 Q. Now, if Mr. Madha testified
5 that he never saw you at the King Fahad
6 Mosque after the 9/11 attacks, is that
7 testimony accurate or inaccurate?

8 A. Inaccurate.

9 Q. Sir, did you ever operate an
10 Arabic-language bookstore near the King
11 Fahad Mosque?

12 A. No.

13 Q. Are you aware of any
14 Arabic-language bookstore near the King
15 Fahad Mosque while you were in Los
16 Angeles?

17 A. I do not know.

18 Q. Did you ever store any
19 extremist literature or materials at the
20 King Fahad Mosque or any buildings near
21 the King Fahad Mosque?

22 A. No.

23 Q. Did anyone ever accuse you
24 of storing any extremist literature or

1 materials at the King Fahad Mosque or any
2 buildings near the King Fahad Mosque?

3 A. No.

4 Q. Sir, when you were in Los
5 Angeles, are you aware of anyone ever
6 accusing you of giving extremist
7 teachings, lessons or sermons?

8 MS. FLOWERS: Object to the
9 form. Breadth.

10 THE WITNESS: No.

11 BY MR. SHEN:

12 Q. When you were in Los
13 Angeles, are you aware of anyone ever
14 accusing you of being an extremist or of
15 supporting terrorism?

16 A. No.

17 Q. Sir, Mr. Pounian asked you
18 questions about four individuals; Adel
19 Al Sadhan, Mutaeb Al Sudairy, Abdullah
20 Al Jaithen and Majed Al Mersal.

21 Do you recall those
22 questions?

23 A. I remember the questions,
24 yes.

1 Q. And I believe your testimony
2 was you don't remember any of those
3 individuals?

4 A. Correct.

5 Q. Sir, did you ever discuss
6 Khalid al-Mihdhar or Nawaf al-Hazmi or
7 any of the 9/11 hijackers with any of
8 those four individuals?

9 A. No.

10 Q. Did you ever provide any
11 instructions to do anything to any of
12 those four individuals?

13 MS. FLOWERS: Object to the
14 form.

15 THE WITNESS: No.

16 BY MR. SHEN:

17 Q. Did any of those four
18 individuals provide any instructions to
19 you?

20 MS. FLOWERS: Object to the
21 form.

22 THE WITNESS: No.

23 BY MR. SHEN:

24 Q. Mr. Pounian asked you

1 questions about an individual named
2 Mohammad Al Johar.

3 Do you recognize that name?

4 A. I don't know him.

5 Q. Did you ever discuss Khalid
6 al-Mihdhar or Nawaf al-Hazmi or any of
7 the 9/11 hijackers with Mr. Mohammad Al
8 Johar?

9 A. No.

10 Q. Did you ever provide any
11 instructions to Mr. Al Johar to do
12 anything?

13 MR. CARTER: Objection.
14 Form and foundation.

15 THE WITNESS: No.

16 MR. SHEN: Can we please
17 load Tab A into the marked exhibit
18 folder? And can you also put it
19 in the chat for the technician,
20 please?

21 - - -

22 (Whereupon, Exhibit
23 al-Thumairy-851, No Bates, United
24 States District Court for the

1 Southern District of New York,
2 Consolidated Amended Complaint,
3 was marked for identification.)

4 - - -

5 BY MR. SHEN:

6 Q. Sir, Exhibit-851 is a
7 publicly filed complaint that plaintiffs
8 filed in this action that makes very
9 serious allegations against you.

10 MR. SHEN: Turn to Page 11,
11 please.

12 BY MR. SHEN:

13 Q. The first bullet point under
14 Paragraph 36 says that, Fahad al-Thumairy
15 and Omar al-Bayoumi, both employees and
16 agents of the Saudi government performing
17 functions on behalf of the Ministry of
18 Islamic Affairs, who, working together,
19 provided, quote, substantial assistance
20 to 9/11 hijackers Nawaf al-Hazmi and
21 Khalid al-Mihdhar from within the United
22 States.

23 Sir, did you ever provide
24 any assistance to Nawaf al-Hazmi or

1 Khalid al-Mihdhar?

2 A. No, not at all.

3 Q. Are you aware of any
4 assistance that Mr. al-Bayoumi provided
5 to Mr. Hazmi or Mr. al-Mihdhar?

6 MS. FLOWERS: Object to the
7 form. Lack of foundation.

8 THE WITNESS: No.

9 BY MR. SHEN:

10 Q. Did you ever, quote, work
11 together with Mr. Omar al-Bayoumi?

12 MS. FLOWERS: Objection.
13 Asked and answered.

14 THE WITNESS: No.

15 BY MR. SHEN:

16 Q. Are these allegations that
17 plaintiffs have publicly made against you
18 true or false?

19 MS. FLOWERS: Objection.
20 Lack of foundation.

21 MR. CARTER: Objection to
22 form.

23 THE WITNESS: Incorrect.

24 BY MR. SHEN:

1 Q. Are they false or are they
2 true?

3 MS. FLOWERS: Objection.

4 MR. POUNIAN: Asked and
5 answered.

6 THE WITNESS: False.

7 Incorrect.

8 MR. SHEN: Can we turn to
9 Page 44, please?

10 BY MR. SHEN:

11 Q. Subparagraph E to Paragraph
12 158 says that, quote, Thumairy and
13 Bayoumi substantially assisted the 9/11
14 hijackers by, among other things,
15 providing or directing others to provide
16 the hijackers with assistance in daily
17 activities, including procuring living
18 quarters, financial assistance and
19 assistance in obtaining flight lessons
20 and driver's licenses.

21 Did you ever assist the
22 hijackers in procuring living quarters,
23 financial assistance and assistance in
24 obtaining flight lessons and driver's

1 licenses?

2 A. No, not at all.

3 Q. Did you ever direct anyone
4 else to do so?

5 A. No.

6 Q. Do you know anything about
7 the hijackers' living quarters?

8 A. I don't know anything.

9 Q. Do you know anything
10 relating to the financial matters of any
11 of the hijackers?

12 A. I don't know anything.

13 Q. Do you know anything about
14 any flight lessons or driver's licenses
15 of the hijackers?

16 A. No.

17 Q. Are these publicly filed
18 allegations true or false?

19 MS. FLOWERS: Object to the
20 form. Lack of foundation.

21 THE WITNESS: False.

22 BY MR. SHEN:

23 Q. The next subparagraph, F,
24 says that, Thumairy, an extremist Wahhabi

1 cleric, who held diplomatic credentials
2 with the Saudi Consulate in Los Angeles
3 and was denied re-entry into the United
4 States by the State Department in 2003
5 based on his ties to terrorism,
6 immediately assigned an individual to
7 take care of them, al-Hazmi and
8 al-Mihdhar, upon their arrival in the
9 United States.

10 Sir, is it a true statement
11 that you are a, quote, extremist Wahhabi
12 cleric?

13 A. Incorrect.

14 Q. Sir, when you were in the
15 United States, are you aware of anyone
16 who accused you of being an extremist
17 Wahhabi cleric?

18 A. No.

19 Q. Sir, is this statement that
20 you were denied re-entry into the United
21 States, based on your ties to terrorism,
22 is that a correct statement?

23 MS. FLOWERS: Object to the
24 form. Lack of foundation.

1 THE WITNESS: No, incorrect.

2 BY MR. SHEN:

3 Q. And, sir, why were you
4 denied entry into the United States in
5 2003?

6 MS. FLOWERS: Object to the
7 form. Calls for speculation.

8 THE WITNESS: Based on what
9 they told me, because my visa
10 needed to change. Because the
11 visa I have, I must work inside
12 the diplomatic building, and I
13 work in the mosque. So it needed
14 to be changed.

15 BY MR. SHEN:

16 Q. And who told you that?

17 MS. FLOWERS: Move to
18 strike.

19 THE WITNESS: The officials
20 in LA airport when I returned.

21 BY MR. SHEN:

22 Q. When you say -- when you
23 returned to the United States?

24 A. When I arrived from Saudi

1 Arabia to the U.S., they told me, you're
2 not allowed entry, and you must return.
3 So I returned directly to Saudi Arabia.

4 Q. Now, sir, did anyone tell
5 you that your entry was denied because of
6 ties to terrorism?

7 A. No.

8 Q. Do you have any ties to
9 terrorism at all?

10 MS. FLOWERS: Object to the
11 form.

12 THE WITNESS: No.

13 BY MR. SHEN:

14 Q. Did you assign any
15 individual to take care of al-Hazmi and
16 al-Mihdhar upon their arrival in the
17 United States?

18 MS. FLOWERS: Objection.

19 Asked and answered.

20 THE WITNESS: No.

21 BY MR. SHEN:

22 Q. Are the allegations in this
23 paragraph true or false?

24 MS. FLOWERS: Object to the

1 form. Lack of foundation.

2 THE WITNESS: False.

3 MR. SHEN: Can we turn to
4 Page 46, please.

5 MS. INT-HOUT: Give me one
6 moment. Sorry.

7 BY MR. SHEN:

8 Q. And, sir, focusing on
9 Paragraph 167, it states that, Thumairy
10 led a particularly radical faction within
11 the local Muslim community, including
12 persons supportive of the events of
13 September 11th, and had a network of
14 contacts in other cities in the United
15 States.

16 MR. CARTER: Objection. You
17 did not read the complete --

18 BY MR. SHEN:

19 Q. Now, sir, did you ever lead
20 any faction of the local Muslim community
21 that supported the September 11th
22 attacks?

23 A. No.

24 Q. Did you know anyone at the

1 Commission, the FBI and the CIA, all
2 three concluded that there's no evidence
3 that you provided any assistance to any
4 of the hijackers?

5 MR. CARTER: Objection.

6 Misstates the record. Objection.
7 Foundation as well.

8 THE WITNESS: Correct. I
9 know that.

10 BY MR. SHEN:

11 Q. And, sir, are you aware that
12 the complaints that I showed you today
13 were filed after the 9/11 Commission
14 issued its conclusion that there's no
15 evidence that you supported the two
16 hijackers?

17 MR. CARTER: Objection.

18 THE WITNESS: Correct.

19 BY MR. SHEN:

20 Q. Now, are the allegations
21 that plaintiffs have made that contradict
22 the conclusions of the 9/11 Commission,
23 where plaintiffs have alleged that you
24 supported the hijackers in providing

1 material assistance to them, are those
2 allegations true or false?

3 MR. CARTER: Objection.

4 Misstates the record.

5 THE WITNESS: False. Wrong.

6 BY MR. SHEN:

7 Q. Now, sir, you were the Imam
8 of the King Fahad Mosque for how many
9 years?

10 A. From the time they did the
11 inauguration of the mosque until I
12 left -- until I came back. So perhaps
13 four years or so.

14 Q. And how many people came to
15 the King Fahad Mosque during that time
16 period?

17 A. Millions, maybe.

18 Q. And, sir, did you know the
19 names of every person who came to the
20 King Fahad Mosque?

21 A. Of course not. That's
22 impossible.

23 Q. And, sir, as the Imam of the
24 King Fahad Mosque, was it known that your

1 name -- was it known that you were the
2 Imam of the King Fahad Mosque?

3 MR. CARTER: Objection.
4 Foundation.

5 THE WITNESS: Of course.

6 BY MR. SHEN:

7 Q. And would it be reasonable
8 for someone who visited the King Fahad
9 Mosque to know your name but you not
10 recognize their name?

11 MR. CARTER: Objection.
12 Form and foundation.

13 THE WITNESS: In many cases.

14 BY MR. SHEN:

15 Q. All right.

16 MR. SHEN: Let's look at
17 Exhibit-413 again, please. And if
18 we could put the Arabic language
19 next to the English language.

20 BY MR. SHEN:

21 Q. Now, sir, this document I
22 showed you before.

23 In the English-language
24 translation, it shows that the

1 translation of the Hijri date on the
2 document is June 9th of 2000; is that
3 correct?

4 A. Correct.

5 MR. SHEN: If we could look
6 at Page 3 of the document.

7 BY MR. SHEN:

8 Q. This is the translation
9 certificate indicating that this is not
10 only a regular translation of the
11 document but it is a certified
12 translation provided by the plaintiffs.

13 And, sir, do you see that
14 this is a certification statement?

15 A. Yes.

16 Q. And, sir, going back to the
17 actual English-language translation, the
18 June 9th date, 2000, that is translated
19 on plaintiffs' version of the
20 translation, I will represent to you that
21 that is a Friday.

22 Now, Mr. Pounian has
23 suggested that the Hijri date, which is
24 on the Arabic-language document,

1 translates into June 10th of 2000, not
2 June 9th of 2000, despite their own
3 translator's translation.

4 And I will represent to you
5 that June 10th, 2000, is a Saturday.

6 And, sir, did you go to the
7 embassy on a Saturday to take this
8 letterhead and write this document?

9 MR. CARTER: Objection.

10 Foundation.

11 THE WITNESS: Saturdays off,
12 they are off on Saturday.

13 BY MR. SHEN:

14 Q. Okay. Thank you.

15 MR. SHEN: I have no further
16 questions.

17 MR. POUNIAN: Move to strike
18 that last answer as nonresponsive
19 to the question.

20 MR. SHEN: All right. Let
21 me ask the question, then.

22 BY MR. SHEN:

23 Q. Sir, did you go on Saturday
24 to the embassy to write this document, or

1 did you go on a Friday?

2 A. It had to be a business day
3 for sure, not a day off.

4 MR. SHEN: Thank you. No
5 further questions.

6 - - -

7 EXAMINATION

8 - - -

9 BY MR. POUNIAN:

10 Q. Sir, when I asked you
11 before, you said you didn't remember when
12 you went to the embassy. And all of a
13 sudden, now you're remembering not only
14 what day it was but the day of the week
15 it was.

16 Do you have any memory, sir,
17 of the day you actually went to the
18 embassy in Washington, D.C.?

19 A. That's incorrect. I did not
20 say specifically that I went on such day
21 of the week. What I said was, I must
22 have gone on a business day, not on a
23 weekend, not on a day off.

24 Q. Did you ever pray at the

1 embassy, sir?

2 A. I don't remember.

3 Q. Do you remember whether
4 there was a prayer space at the embassy?

5 A. I don't know.

6 Q. What floor in the embassy
7 were you -- did you ever go to?

8 A. I don't remember now.

9 Q. Do you know what floor of
10 the embassy that Mr. Sowailem's office
11 was on?

12 A. I don't recall at this time.

13 Q. You told us before that --
14 when we asked you about the visit to the
15 embassy, you told us it could have been
16 before or after 9/11, you didn't know.

17 Isn't that what you told us
18 before, sir?

19 A. I said I couldn't
20 remember -- I said I didn't remember the
21 date, when it was.

22 Q. And you said you didn't
23 remember whether you went before or after
24 9/11; am I right?